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Ms. Mignon Clyburn Acting Chairwoman
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

Re: Request for LPTV Industry Fact-Finding Session during September 2013 Open Commission Meeting

Dear Acting Chairwoman Clyburn:

The LPTV Spectrum Rights Coalition has recently been organized to defend the spectrum rights of all 6400+ LPTV and TV Translators during the TV Spectrum Auction Pre-Auction, Auction, and Channel Repacking process. In less than two months we have been joined by over 550 FCC broadcast licensees in 31 states that cover more than 50 million viewers with over 150 local and diverse local channels of content.

As part of the Coalition start-up activities we have been reviewing as much of the Congressional and FCC historical records that led to the enactment of the Incentive Spectrum Auction, and the current FCC rulemaking effort related to it. **What we have realized in this process is that there is a lack of research data related to the impact on the LPTV industry by the TV Spectrum Auction legislation, and its potential rulemaking options.** The Coalition believes that this is potentially a fatal flaw in the legislation, and as such could totally derail key FCC mandates for competition, consumer protection, and promotion of diversity.

The Coalition also believes that a violation of the Unfunded Mandates Reform Act (UMFA) may have occurred when both the Congressional Committees and the Congressional

Budget Office did not officially authorize, produce, and include in their research any study of the unfunded government mandate affects on the LPTV service by the proposed Spectrum Act legislation. This problem is being made even worse now with a lack of research by the FCC on the affects of the Spectrum Auction on the LPTV service.

The Coalition is pursuing a four-pronged public strategy to remedy this lack of adequate research related to the Spectrum Auction and LPTV:

1. **The Coalition is conducting its own industry-funded research.** This has produced a dramatic new analysis of an average unfunded mandate cost to an LPTV licensee of at least \$156,250 per license during the channel repacking process, assuming that there is a new frequency to move to in the same TV DMA. Collectively, the 6400+ LPTV, TV translators, and TV booster stations could be facing well over a \$1 billion+ unfunded mandate in channel repacking costs.
2. **The Coalition is working with the appropriate Congressional Committees to introduce a “legislative fix” for LPTV.** By doing this, the Coalition hopes to have “CBO-scored” new legislation which could include and reflect new industry research now that we have a lot more data than we did almost twenty months ago when the initial CBO analysis was done.
3. **The Coalition is submitting its research and Comments in the Spectrum Auction NPRM record.** Since the Coalition was only formed at the beginning of June 2013, its Comments are just now being drafted. We have also been meeting ex parte with the Spectrum Auction Task Force, and the staff of the Commissioners to share our research and concerns.
4. **With this letter we are requesting during the September Commission Open Meeting an LPTV fact-finding session.** Since the monthly Open Commission meetings now includes updates from the Spectrum Auction Task Force, it could be very useful and timely to hear from representatives from the LPTV service about what has been happening to them since the Spectrum Act was passed, and what their research indicates will happen during the auction and channel repacking process. The Task Force is pressed for time to complete their rulemaking recommendations and does not

think it is necessary to conduct a public session, but the Coalition strongly disagrees, and has filed NPRM Comments about it.

The Coalition recommends the following organizations be asked to present at the September meeting:

- a. *The LPTV Spectrum Rights Coalition* – Representing more than 550 LPTV and TX broadcast licenses in 31 states.
- b. *The Broadcasting Alliance* – Representing more than 250 broadcast licenses, station owners, and networks.
- c. *National Translator Association* – Representing over 1000 broadcast TV translators.
- d. *National Religious Broadcasters* – Representing hundreds of broadcasters and content networks that utilize LPTV. We recommend not including NAB, unlicensed spectrum advocates, or the wireless carriers for this presentation, since they all have been given their own LEARN sessions, are funded or bidders in the auction, and do not in any way represent LPTV.

The lack of fundamental industry research and statistics about the LPTV service and how it will be affected in the Spectrum Auction and channel repacking process is the biggest impediment to providing a roadmap for the future of the LPTV service. The FCC does not have a clear understanding of the affects on the LPTV service. One of the Coalition members, the *Civic Media Advisors*, has submitted NPRM Comments that show ALL LPTV stations will have to move in the channel repacking process, and that almost 50% will be totally displaced within their current cities of license and DMA. The cost to these small business entities, the local and diverse communities they serve, and the loss of all of the investment capital and opportunity they represent will severely impact their communities and which is contrary to the mission of the FCC. This research and these findings need to be shared PRIOR TO any Spectrum Auction Rulemaking in the fall of 2013.

Respectfully submitted

Mike Gravino

Director, LPTV Spectrum Rights Coalition